

SUMMARY REPORT -
SUBJECT: COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

287924

DATE OF REPORT (DAY-MO.-YEAR)

19 Mar 03

INSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATORS NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
Moreno, Ben R.	Sgt.	#1955			009

REFERENCE NOS. (LIST ALL RELATED C.R., C.B., I.R., INVENTORY NOS. ETC., PERTINENT TO THIS INVESTIGATION)

ADDRESS OF INCIDENT

5 W. 26th. Street

DATE OF INCIDENT - TIME

28 Feb 03 - 1920 hrs.

BEAT OF INCIDENT

923

LOCATION CODE*

17

NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
1. Cunningham, Aaron	P/O	#15522			009
2. Johnson, Edward	P/O	#14218			009
3. DNA					

SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)	<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE*
1. M/2	67	29 Jun 98	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01
2. M/2	76	13 Sep 99	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01
3. DNA			<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	

IF APPLICABLE - DATE ARRESTED/INDICTED	CHARGES	COURT BRANCH	DISPOSITION & DATE
1. DNA			
2. DNA			
3. DNA			

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
					F/2	74 28	01
DNA							

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
	Same as complainant			Same	F/2	UNK (12)	01
DNA							

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
	Same as Complainant			Same	M/2	71 31	01
					M/2	57 45	01

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

* SEE REVERSE SIDE FOR CODES, INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.
** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

Complainant alleges that on 28 Feb 03 at approx. 1920 hrs. the witness, [REDACTED] who was in the company of [REDACTED] was arrested for an outstanding traffic warrant by officers Cunningham and Johnson. Furthermore, the officers left the minor daughter alone unattended and standing outside at 2600 S. Wallace despite the protests of [REDACTED] who was transported to the 009th. District for processing.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

The complainant alleges that on 28 Feb 03 at approx. 1920 hrs. the witness, [REDACTED] who was in the company of [REDACTED] was arrested for an outstanding traffic warrant by officers Cunningham and Johnson. Furthermore, it is alleged the officers left the minor daughter alone unattended and standing outside the vicinity of [REDACTED] located at 5 [REDACTED] W. 26 th. St. despite the protests of her father who was transported to the 009th Dist. for processing. The complainant went on to explain that on the date and time in question the (V)daughter and her (W)father were together and going to [REDACTED] when they were stopped by accused officers who arrested the witness and left the victim standing alone unattended and told her to call her mother on the cell phone, which she did. The complainant said she talked to her daughter on the phone and couldn't believe the police left her alone like that, and she originally didn't have anyway to pick her up. The complainant said she was furious and then went to the 009th Dist. to inquire about her fiancé. (See attach. #2)

The victim said she was alone and went inside the [REDACTED] crying and was cared for by members of a [REDACTED] [REDACTED] called [REDACTED] until the complainant arrived about 30 minutes later. The victim said her father forgot his drivers' license and the police took him into their car and said he had a warrant. The victim then said the police told her, "Just stand in front of the car and call your mother on the phone." The victim said she talked to her mother on the phone but was scared she was going to be kidnapped. The police then told her to wait inside the [REDACTED] for her mother. She went into the [REDACTED] crying and recognized an employee of [REDACTED] who escorted [REDACTED] [REDACTED] which watched over her until her mother arrived about 30 minutes later. (See attach.#4)

I/S interviewed witness [REDACTED] about the events that transpired on the date and time in question. He said that he was going to [REDACTED] with his (V)daughter when they were stopped by police. The witness said his car windows are tinted and the police put the spot light on him. The witness then said he didn't have a drivers' license and the police placed him inside their squad car and told his daughter to wait on the sidewalk. Although, the witness was able to give his cell phone to his daughter and told her to call her mother. The witness said the police were getting ready to pull away from the scene and he said, "Hey what about my daughter." The police had left her there standing alone. (See attach.#3)

SUMMARY

ATTACH-
MENTS

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:

2,3,4,5

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

17,18

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

0

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

29

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

Allegation #1 - Accused officers failed to secure the welfare of a minor child.

Finding: - Sustained - Violation of Rule #5: Failure to perform any duty; in that on 28 Feb 03 at approx. 1920 hrs. during a traffic stop at 52 [REDACTED] W. 26th. St. The officers failed to preserve the welfare of a minor child by leaving her behind on the street. While her father was arrested on a warrant.

G.O. 98-11-05 states in summary: Officers arresting a parent/guardian for a crime other than abuse or neglect will attempt to find temporary alternative placement of a minor child with a relative, as directed by the parent. Or the officer will transport the child to the district station to seek placement, with the assistance of the Youth Division, through DCFS.

Violation of Rule #14: Making a false report, written or oral. In that the officer did not accurately represent the facts in their reports concerning this investigation.

REVIEWED BY: [REDACTED]

DATE: AUG 24 2006

Recommendation: Officer Cunningham (7) seven days without pay.

Officer Johnson (5) five days without pay. This recommendation is based on all the available information at this time; and a review of the officer's complimentary and disciplinary histories.

FINDINGS-RECOMMENDATIONS

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

08 Mar 03

DATE COMPLETED
(DATE OF THIS
REPORT)

19 Mar 03

ELAPSED TIME
(TOTAL TIME
EXPRESSED IN DAYS)

11

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE [REDACTED]

According to their reports the officers observed [REDACTED] parked in a loading zone, and as they approach his vehicle to investigate they saw a teenager standing on the sidewalk talking on the cell phone near the car. [REDACTED] is then reported to have told the teenager to go inside the bowling alley, and the officers report they were unaware of any relationship between the two. The officers then report seeing the teenager walk into the [REDACTED] and [REDACTED] was transported to the 009th Dist. for the processing of a traffic warrant. (See Attach.#'s 17&18)

However, I/S was able to locate an independent corroborating witness in this investigation, [REDACTED], who works at [REDACTED] which is located at 5 [REDACTED] W. 26th St. where the incident took place just to the East of the front doors. [REDACTED] said he was standing by the front door when he observed the police stop (W)itness [REDACTED] who were riding together in their vehicle at approx. 5 [REDACTED] W. 26th St. on the 28th of Feb. at about 1920 hrs. [REDACTED] is also a casual acquaintance of the witness and knows that the victim is [REDACTED]. [REDACTED] said he watched for a couple of minutes from the door as the police placed the witness in the squad car and the victim was made to wait outside on the sidewalk. [REDACTED] then returned to his duties and about ten minutes later he observed the victim walk into the [REDACTED] crying that the police had taken [REDACTED]. [REDACTED] then escorted the [REDACTED] who watched over her until her mother arrived approx. 30 minutes later. (See attach#5)

In light of these recent developments I/S has no alternative than to reason that a complete investigation of the circumstances surrounding a traffic stop does not end when an arrest is made. The officers are bound to maintain the welfare of a minor child and not contribute to it's neglect no matter what the situation. To not do so would open the door to a myriad of adverse possibilities and potential liability. [REDACTED] reports seeing the [REDACTED] arrive together in their car when police appeared. This is an irrefutable fact. The connection is obvious and why would the officers not perceive a possible relationship between the two of them when they report [REDACTED] telling the [REDACTED] to wait in the bowling alley. Consequently, having said that I/S recommends this allegation be sustained.